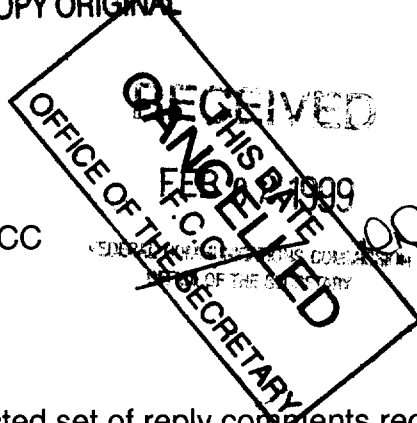


DOCKET FILE COPY ORIGINAL

January 27, 1999

To: Magalie Roman Salas / FCC
From: Jan Masek



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FCC MAIL ROOM

Please find enclosed a corrected set of reply comments regarding:

docket 92-105
NSD File No. L-98-139

The original documents were filed in a timely manner but contained a typo. They were entitled "Comments of Jan Masek on the report and recommendations of the abbreviated dialing ad hoc working group."

They should have read : **REPLY** comments of Jan Masek on the report and recommendations of the abbreviated dialing ad hoc working group."

So please enter this corrected set for the record, correcting this typo but yet retaining the valid filing date which I did meet. Below is info from Fedex Web Site showing the typo carrying filing did meet deadline.

Airbill Number : 801240747016
Delivered To : Mailroom
Delivery Location : WASHINGTON DC
Delivery Date : 01/27
Delivery Time : 14:32
Signed For By : D.DAVIS

Respectfully,

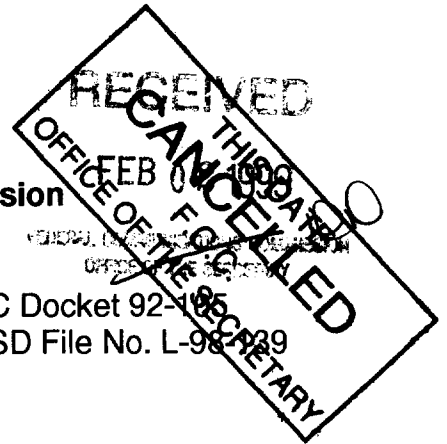
Jan Masek

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FEDERAL COMMUNICATIONS COMMISSION

Before the
Federal Communications Commission
Washington DC 20554



In the Matter of the Use of N11 Codes) CC Docket 92-185
and Other Abbreviated Dialing Arrangements) NSD File No. L-98-439

**REPLY COMMENTS OF JAN MASEK ON THE REPORT AND
RECOMMENDATIONS OF THE ABBREVIATED DIALING AD HOC WORKING
GROUP**

Background Information about myself:

I was involved as far back as 1991 with abbreviated dialing regarding an enhanced service which never could get off the ground, abbreviated dialing resources not being available.

Extent of my involvement with abbreviated dialing resources:

I was one of the first and few to apply for an abbreviated dialing arrangement from NANPA when it was still controlled by Bellcore. I championed an issue at the ICCF, championed another one at the IILC and as well was one of the task members on IILC issue 036, all these efforts related to abbreviated dialing topics. These efforts consumed about 3 years and considerable financial resources with in the end no tangible benefits to me or the rate payers.

Why do I wish to comment:

It is my belief that our government should diligently serve us in an effective manner. I do not believe the Commission is delivering on that mandate. Having seen the lack of results of my and other's efforts, I cannot stay silent.

Regardless of the content of the report, what do we, the rate payers have hope to really see from the efforts of the Commission based on it's track record of the last 8 years, relative to abbreviated dialing?

The outlook is very bleak. The Commission has failed the rate payer from the beginning and still is.

Fact: The Commission has a very poor record when it comes to any numbering issues whatsoever, let alone abbreviated dialing.

No significant changes in terms of telecommunications competition can occur until we have one single, unified dialing plan in the US. The Commission should have stepped in as far back as 1992 or so and declared that by 1996, all states should observe a full 10 digit dialing format and eliminate the "1" toll indicator.

Because the Commission responds years after it should, ILECs now have plenty of ammunition to feed off just on that single topic alone to forestall competition. Multiple dialing plans means endless discourse about why this "won't work here" or "work now", or "requires AIN" and on and on and on.

As well, the Commission never stepped in to mandate uniform use across all networks of abbreviated dialing. So ESPs die of starvation and Wireless providers will connect you to a live talk show host, chatting away about a sex topic if you dial *987. Is this equity? Is this all that can be expected for rate payers? What a joke.

This is by Commission design and it's fingerprints are all over it.

Fact: The Commission takes slow, small, meaningless, steps which have no strength, no "teeth" and no back bone. The way the Commission dealt with NANPA management reassignment of responsibilities was a golden opportunity to bring about change but in the end it is nothing but a real disaster.

I commented in the proceedings relative to who should run NANPA. I shared with the Commission that unless the agency took it over and ran it aggressively, rate payers would not get the value they are entitled to. And they have not.

You are letting arrogant companies corrupt the process, and while competition fails to get off the ground, rate payers continue to disburse year after year, billions more than they should.

My premonition was accurate in another respect. Now, the managers of NANPA have an expedited petition in front of the Commission so that it approves NANPA to be delegated to another, new entity once again.

Governments would often do best to stay out of regulating business. *Yet numbering issues should be an exception to that rule. You should manage and have final say on all numbering issues. Right now, ESPs would have to run their game plan by their competition. Does not make sense. You won't get innovation that way.*

The ILECs have the Commission for lunch. They snow you with paperwork, and have no respect whatsoever for you or the rate payers.

Fact: An ESP wanting to deploy an enhanced service today could go on to spend decades in forums, and then be told that billing issues will delay the project a few more years and never get anywhere.

In 1994, at about the time the ILC concluded issue 036 with a pack of lies, Mr. Mark Andreessen was a student in Illinois writing code for Mosaic, the Netscape predecessor. Now he is a rich man, affecting the lives of hundreds of millions people. How many people would he be affecting if he had depended on numbering resources, responsibility of the Commission? I'll let each reader answer for themselves. The Commission seems to have taken the attitude that owning network hardware/switches merits some attention but innovation sometimes requires minimal capital. EPSs have gotten no respect because they are perceived as having nothing and offering nothing. Numbering resources belong to all of us and belong NO MORE to the people who own network infrastructure. The mindset is flawed and has been for a long time. I do not blame the ILECs as much as I blame the Commission.

ILECs work like this: a \$60,000 a year employee attends a numbering forum and answers to a \$90,000 a year manager who answers to a \$120,000 a year VP who answers to a senior manager at \$250,000 a year who answers to the top guy. None of these people want to be out of work tomorrow so they go with the "party line" and this is where the Commission is guilty: it lets them and acts like it's not even happening.

Just after the Telecom Act of 96 passed, the Journal Telecommunications had a very unsupportive review of it. Now the Commission is about to undergo scrutiny. Apparently some politicians are fed up with results to date in telecom competition. So let me make a prediction: They will be lobbied to death until they are dizzy by ILEC lobbyists who will brainwash them into thinking that the reason why competition is non existent is because

the ILECs have been locked out of long distance competition.

So what you'll end up with is more mega mergers where there is even more bodies to stall and muddy the process of anything changing.

Fact: The leaders of the Commission have an interest not to rock the boat.

Going back to Chairman Sikes who said in the early 90's when the now failed TCI / Bell Atlantic merger would now bring change and competition with blinding speed. What competition? What blinding speed? There is no speed here. The Commission in this proceeding still believing that these industry players will honestly deal with Abbreviated dialing is equal to immobility, not speed and is really immoral at this point.

Nothing valuable relative to numbering got created under Chairman Sikes, Chairman Hundt got the ball rolling on Number Portability but with the Telecom Act of 1996, being a 3 year old impotent tool, really does not mean very much. The current Chairman has a chance to create real change. Will he? I doubt it because see, after their tenure, they all go back to the industry for one job or another, and "politically correct" is the MO here.

Dr. Kessler from the FDA should be brought in to take care of telecom competition. He could not care less what the tobacco industry thought and he did get real change going. He is one leader in our government who deserves a lot of respect.

Fact: The Commission does not want to see and/or hear the truth.

When IILC issue 036 became a monumental lie (The key players asserted that they could not recommend any dialing formats because they could not agree on which one. The truth is they never discussed it, but rather said it was time to wrap things up and that NANC should really be the place where the job would get done which.....it didn't of course)

Back to my point about issue 036: I begged the office of Mr. Schlingting to participate in ONE conference call, so he could hear for himself. I never even got him on the phone. Instead I got Rose Crellin, his assistant, whom I had to pursue, call after call, to finally hear that the resources were not there to be on a one hour conference call. Better, I never saw a Commission representative at the ICCF, and hardly ever at the IILC. The Commission cannot

be credible. It let's madness go on and on and on and then it expects ESPs to step into this game and spend years and years into mindless processes which only sink into some black hole. What you are doing is not working. ILECs are making a mockery of you, of EPSs and of rate payers.

Fact: The Commission does only what is comfortable for itself and ILECs, not what is morally right for the rate payer.

Again, years of misery in endless forums and reports going absolutely nowhere. The Commission is a dysfunctional agency who can't see how sick of a process it fosters and tolerate.

Yet, when some talk show goes on with a little too much colored language you send the Tomahawks of regulatory process. Suddenly the Commission is not going to just put in one man hour on a conference call, it will relentlessly lean on the media concern and it's talk show person and turn every stone of control and punishment it can find and then some. While Howard Stern is not my idol, I don't think he harms too many people. The way telecom issues have been run for years is a disgrace, an offense and an insult to rate payers. And it is harming the pocketbook of countless needy families.

Fact: The Commission instituted "ONA" efforts which had no meaningful value.

I have not seen any tangible results relative to ONA proceedings, for rate payers or enhanced service providers "ESP's". The only thing ONA efforts generated is a monumental waste of ESP sources which in effect benefited ILECs in that they could keep an ear to the ground relative to competition and strategize on how stall it.

Fact:: The Commission keeps accumulating an endless volume of information relative to abbreviated dialing but has done nothing to stop the sham, waste and relentless abuse from ILECs who want no changes to current situation whatsoever.

I heard all the lies years ago and as I read the Report and Recommendation, I feel sick and nauseated. It is the same old stuff. The commission does not want to come and wrestle this problem. The people who wrestle it have to lie to keep their job. the Commission does not want to hear and see the lies and we all

stand still, pouring our hard earned money to firms, who like the tobacco companies have a lot to hide. And the Commission is not there to see and hear the illegal maneuvers taking place on the mat. and ESPs like Low Tech and myself get chewed up. And it goes on and on and on.

If the Commission waits a little longer, it may not even have to fix the problem. While it is concerned with rotary dialers, as if we all have to wait until the last rotary phone is unplugged to start living with basic technology, cable operators will step in with IP Telephony and make this marketplace so wild, the Commission will even have less credibility in being a factor in shaping it. How about phasing out rotary in 2 years, give the ILECs an incentive to do it and getting on to more important stuff. It actually cost more for ILECs to support these legacy systems anyway.

I do not want to spend much time dissecting this report. It smells very bad. On page 3 however, the statement that "there is little need, if any, for abbreviated dialing" has got to be the biggest joke I have ever read. Let me just say that while it is signed by 2 Bellsouth employees, Bellsouth in the early 90's paid an independent market research firm to research the interest and stated that it was significant which lead to their N11 effort.

I challenge the Commission to create a process where ESPs get resources within months in a process where ILECs are to be made to feel pain and pay a real price if they stand in the way of innovation and where without laying out their plan in front of ILECs, they get Commission attention on the value of their innovation, making the PSTN see some of the innovation that the Internet sees on a daily basis.

I'll keep my ear to the ground in case you do. In the meantime, I have no faith in your agency. I have seen too much good destroyed by it and the fact that today we are still talking about this subject as a future thing is an awful fact. Numbering is overdue for major changes and on the eve of year 2000, I hope you make the changes which will put an end to manipulations by egos and replace that with a process where you have your hand on the switch. Then you will see the PSTN change.

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